

<b>USDS SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> DOC #: _____ DATE FILED: <u>10/26/09</u>
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	POST-CONVICTION
-v.-	:	<u>RESTRAINING ORDER</u>
ALBERTO WILLIAM VILAR,	:	S3 05 Cr. 621 (RJS)
a/k/a "Albert Vilar," and	:	
GARY ALAN TANAKA,	:	
Defendants.	:	

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Upon the Superseding Indictment, S3 05 Cr. 621 (RJS), the convictions of defendants ALBERTO WILLIAM VILAR, a/k/a "Albert Vilar" ("VILAR"), and GARY ALAN TANAKA ("TANAKA") (collectively, the "defendants"), and the Application of PREET BHARARA, United States Attorney for the Southern District of New York, by Marc Litt, Assistant United States Attorney, of counsel, pursuant to 21 U.S.C. §§ 853(e) & (g) and the All Writs Act, 28 U.S.C. § 1651(a);

**IT IS HEREBY ORDERED** that:

The defendants and all attorneys, agents, employees, and anyone acting on their behalf, and all persons or entities, acting in concert or participation with any of the above, shall not take any action prohibited by this Order; and

**IT IS HEREBY FURTHER ORDERED** that the defendants, their attorneys, agents, employees, and anyone acting on their behalf, and all persons or entities acting in concert or participation with any of the above, and all persons and entities having actual

knowledge of this order, shall not, directly or indirectly, transfer, sell, assign, pledge, hypothecate, encumber, or dispose of in any manner; cause to be transferred, sold assigned, pledged, hypothecated, encumbered, disposed of in any manner; or take, or cause to be taken, any action that would have the effect of depreciating, damaging, or in any way diminishing the value of the following property:

a. Any and all assets of the following companies:

- i. Amerindo Investment Advisors Inc.;
- ii. Amerindo Investment Advisors, Inc.;
- iii. Amerindo Investment Advisors (UK) Ltd.;
- iv. Techno Raquia, S.A.;
- v. Amerindo Management Inc.;
- vi. Amerindo Technology Growth Fund Inc.;
- vii. Amerindo Technology Growth Fund II, Inc.;
- viii. Olafson, Inc.;
- ix. Amerindo Master Venture Fund LLC;

b. J.P. Morgan Chase (f/k/a Bear Stearns & Co., Inc.) brokerage account numbers:

- i. 102-17995, held in the name of Techno Raquia, S.A.;
- ii. 102-01485, held in the name of Amerindo Management Inc., sub-Account M26;
- iii. 102-01490, held in the name of Amerindo Technology Growth Fund Inc.;
- iv. 102-01495, held in the name of Amerindo Technology Growth Fund II, Inc.;

- v. 102-15833, held in the name of Olafson, Inc.;
  - vi. 102-05012, held in the name of The Trustees of the Amerindo Advisors (UK) Ltd. Ret. Benefits Scheme;
  - vii. 102-25590, held in the name of Amerindo Master Venture Fund LLC;
  - viii. 102-25612, held in the name of Amerindo Investment Advisors Inc. Money Purchase Plan and Trust; and
  - ix. 102-27950, held in the name of Amerindo Internet Growth Fund Ltd.;
- c. All right, title, and interest of the defendants in the following:
- i. The Trustees of the Amerindo Advisors (UK) Ltd. Ret. Benefits Scheme;
  - ii. Amerindo Investment Advisors Inc. Money Purchase Plan and Trust;
- d. Approximately \$273,611.89 in funds formerly held by @Ventures Management, LLC for the benefit of Amerindo Technology Growth Fund II, Inc.;
- e. Approximately \$1.6 million in funds on deposit at U.S. Bank for the benefit of Amerindo Technology Growth Fund II, Inc.;
- f. Any and all right, title, and interest of VILAR in one or more apartment units located at 860 United Nations Plaza, New York, New York;
- g. Any and all right, title, and interest of TANAKA in 7 High Coombe Place, Warren Cutting, Kingston Upon Thames, Surrey, England; and
- h. Any and all right, title, and interest of TANAKA in approximately 32 race horses, including but not limited to, the horses known as Billy Allen, Debicki, Honimiere, King's Drama, Passager, Philatelist, Pressing, Simonas, Touch of Land, Shaker, Sudan, Gentlewave, Rakti, Epalo, Millkom,

Donna Viola, Golden Apples, Gourmet Girl,  
Lovellon, Passinetti, Pico Central, Snow Polina,  
Squeak, Sarafan, Polaire, Star Parade, Queen Maud,  
Frühlingssturm, Distant Valley, Agata,  
Riddlesdown, and Don Incuato

(collectively, the "Substitute Assets");

**IT IS HEREBY FURTHER ORDERED** that:

The defendants shall not use or permit the Substitute Assets to be used for any illegal activity, or in any manner that would invalidate insurance on the Substitute Assets or diminish the value of the Substitute Assets, neither shall they cause any alteration to the Substitute Assets without the prior written consent of the United States Attorney's Office.

**IT IS HEREBY FURTHER ORDERED** that this Restraining Order shall be binding upon the defendants, their attorneys, agents and employees, and all persons in active concert or participation with any of the above, or any other person having actual knowledge of this Order;

**IT IS HEREBY FURTHER ORDERED** that service of a copy of this Order shall be made on the defendants' attorneys by regular mail and facsimile within two business days following the filing of this Restraining Order.

Dated: New York, New York  
October 26, 2009

SO ORDERED:

  
HONORABLE RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE